

### REMARKS

Claims 1-10, 13-25, 28, and 35-50 are pending.

In the Office Action, claims 1, 16, 35, and 50 were rejected under 35 USC § 112, first paragraph, on grounds that the specification does not provide a written description of the phrase indicating that sound is leaked into an inter portion of the main body “to prevent the leaked sound from reaching an ear of a user.” Applicants traverse this rejection as follows.

To satisfy the requirements of § 112, first paragraph, MPEP § 2163 requires the written description to be read in light of the understanding of one skilled in the art. The MPEP further provides that the written-description requirement may be satisfied not only by the words in the specification portion of the application, but also by the subject matter shown in the drawings. Under these provisions of MPEP § 2163, it is submitted that the specification and drawings provide a written description of the following phrase in claim 1: “the third plurality of holes leaking the sound into an interior portion of the housing *to prevent the leaked sound from reaching an ear of a user.*” (Emphasis added).

In Figures 5 and 6 of the drawings, the third plurality of holes is shown by reference numeral 28. These holes leak sound that enters an interior portion of the sound controller (e.g., ring 30) into space between inner and outer cases 2 and 4. As shown in Figure 5, once sound leaks into this space, there are no holes that lead this sound back into a sound path that can pass through the holes 10 and into the ear of a user. Thus, Figure 5 clearly shows, and one skilled in the art in reading Figure 5 would clearly understand, the sound that passes through the third plurality of holes 28 stays between and dampens within the space between the inner and outer cases 2 and 4, and therefore never passes through holes 10 that lead to the ear of a user.

Figure 7 also shows this to be true, where the third plurality of holes is illustratively shown by reference numeral 38.

In view of the subject matter of Figures 5-7, Applicants therefore submit that the

application provides a written description of the features recited in claim 1 sufficient to satisfy the requirements of 35 USC § 112, first paragraph. Claims 16 and 35 contain similar phrases and therefore are also supported in the manner required § 112 by Figures 5-7.

As for claim 50, the specification discloses and the drawings show the “component” by reference numeral 30. As shown in Figures 5 and 6, component 30 includes at least one hole 28 having an inlet and an outlet, the inlet being provided between the outlet of the sound generator 8 and the inlet on the first wall, and the outlet of the component configured to be provided within the interior of the housing (2,4). In addition, by definition, a hole has an inlet and an outlet.

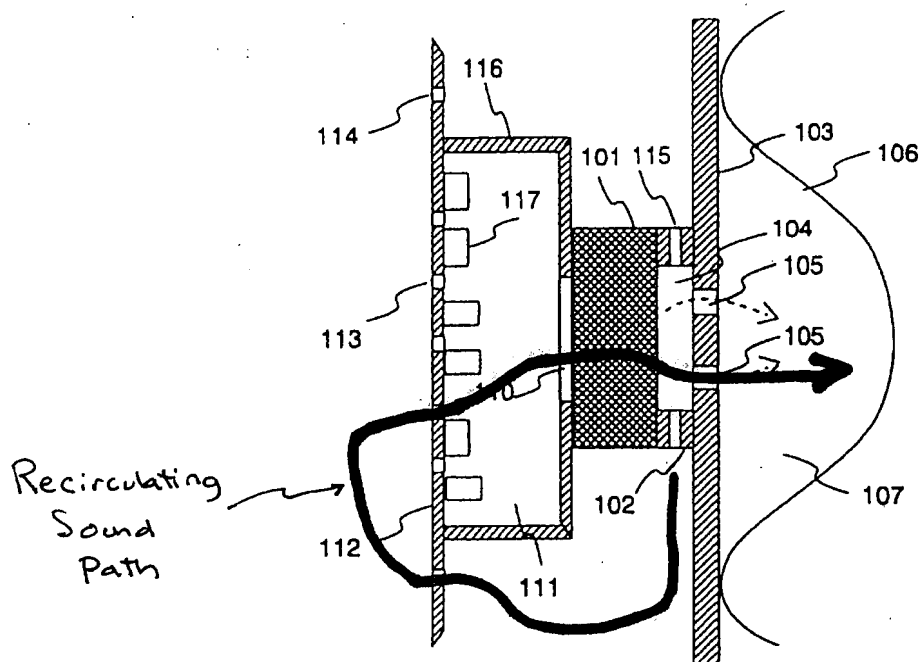
In view of the common understanding of the terms “inlet” and “outlet” and the subject matter disclosed in Figures 5 and 6, it is respectfully submitted that the specification and drawings provide a written description of the features recited in claim 50 sufficient to satisfy the requirements of § 112, first paragraph.

Claims 1-10, 13-25, 28, and 35-50 were rejected under 35 USC § 103(a) for being obvious in view of a Kjeldsen-Weckstrom combination. Applicants request the Examiner to withdraw this rejection for the following reasons.

The Kjeldsen publication does not teach or suggest a leakage member having a third plurality of holes for leaking sound traveling from the holes in the sound generator to the holes in the housing, with “the third plurality of holes leaking the sound into an interior portion of the housing to prevent the leaked sound from reaching an ear of a user.” The Examiner acknowledged this deficiency in the Office Action.

The Weckstrom patent discloses a leakage member 102 having a third plurality of holes 115 which leak sound into an area between housing 103 and circuit board 112. However, unlike claim 1, the sound that passes through holes 115 from sound generator 101 is recirculated along a path that passes through holes 105 in the housing and on to the ear of a user. The recirculation

path is made possible by additional holes 114 in circuit board 112, which holes 114 allow the sound which passes through holes 115 to pass into holes 113 and then through holes 105 to the ear of a user.



The sound recirculation path in the Weckstrom phone, thus, allows the leaked sound to reach the ear of a user. Weckstrom, therefore, does not teach or suggest the features of claim 1 missing from the Kjeldsen publication. Based on these differences, it is respectfully submitted that claim 1 and its dependent claims are allowable over the cited combination.

Claims 16 and 35 and claim 50 as presently amended are allowable over this combination for similar reasons.

In view of the foregoing amendments and remarks, it is respectfully submitted that the

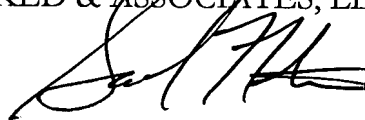
Serial No. 10/607,560  
Reply to Office Action of January 30, 2007

Docket No. P-0401

application is in condition for allowance. Favorable consideration and timely allowance of the application are respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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